REMARKS

Claims 19-55 are pending. By this Amendment, Applicant amends claims 19-35 and 37-55 to clarify the invention and cure minor informalities. No new subject matter has been entered.

I. Overview of the Office Action

Claims 51-55 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Fiter (WO 02128130/ U.S. Patent Application Publication No. 2004/0053627).

Claims 19-50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohlsson (U.S. Patent Application Publication No. 2002/0068571) in view of Fiter.

II. Rejections - 35 U.S.C. § 102

Claims 51-55 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Fiter (WO 02128130/ U.S. Patent Application Publication No. 2004/0053627).

Claim 51 recites among other elements: "the control plane equipment controls the transfer of signaling from a core network to the mobile terminal unit so that the signaling is not transferred through the user plane equipment."

Fiter describes a radio network including user plane servers (UPS) and radio control servers (RCS). Each UPS communicates with multiple radio base stations, to which terminals (UE) are connected. (Paragraph 22). Each UPS includes transport functionalities (UPF), each of which guides the data packets to the specific UE. (Paragraph 23). Each RCS has signaling functionalities (UEF), each of which is assigned to the specific UE. (Paragraph 24). The information of the assigned UEF is sent to the corresponding UPS so that UPS can correctly address the signaling concerning the terminal to the assigned UEF. (Paragraph 25). The signaling coming form the primary network, first passes through the UEF and then is forwarded to the correct UPS. (Paragraph 26, Fig. 1).

Therefore, Fiter describes routing of the signaling from the core network to UE through the RCS and the UPS. To the contrary, claim 51 calls for the signaling to be routed so that the user plane is avoided.

Because Fiter does not teach or suggest at least "control plane equipment controls the transfer of signaling between the core network and the mobile terminal unit so that the signaling is not transferred through the user plane equipment," **claim 51** distinguishes patentably over Fiter.

Independent **claims 52 and 54** recite features similar to those recited in claim 51. Accordingly, **claims 52 and 54** are patentable over Fiter at least for the reasons similar to those discussed above regarding claim 51.

Claim 53 recites among other elements: "a second radio controller which controls a second radio base station, ... wherein the mobile terminal unit is handed over from the first radio base station to the second radio base station, without establishing a path between the first radio controller and the second radio controller and wherein the second control plane equipment performs control independent of the radio transmission scheme and second user plane equipment performs control dependent on the radio transmission scheme between the first network and the mobile terminal after a handover."

Fiter describes that if UE moves from the area covered by UPS1 to the area covered by UPS2, the corresponding UPF is withdrawn from the UPS1 and set up anew at UPS2. The corresponding signaling functionality remains at the RCS1, because the parameters needed for signaling do not need to be passed to the RCS2. (Paragraph 27).

Therefore, Fiter describes a handover of UE from one UPS to another, within the same access network. To the contrary, claim 53 calls for a handover from one radio controller to another radio controller. Additionally, in Fiter, the signaling stays with the former RCS, e.g., is not handed over, as claimed.

Because Fiter does not teach or suggest at least "a second radio controller which controls a second radio base station, ... wherein the mobile terminal unit is handed over from the first radio base station to the second radio base station, without establishing a path between the first radio controller and the second radio controller and wherein the second control plane equipment performs control independent of the radio transmission scheme and second user plane equipment performs control dependent on the radio transmission scheme between the first network and the mobile terminal after a handover," it is respectfully submitted that **claim 53** distinguishes

patentably over Fiter.

Claim 55 recites among other elements: "wherein the user plane equipment is incorporated into the radio base station."

The Examiner relies on WO 02128130 to Fiter to support the rejection. (*See* Final Office Action, page 17, last paragraph). However, Applicant carefully reviewed U.S. 2004/0053627 to Fiter and did not find any discussion related to the base station incorporating the user plane equipment. Additionally, the U.S. version of Fiter does not teach or suggest that the replacement of the radio base station with another radio base station is controlled by a user data selector and synthesizer unit incorporated into the radio base station.

If the Examiner maintains this ground of rejection, Applicant respectfully requests the Examiner provide a formal translation of WO 02128130 or point out where exactly in U.S. 2004/0053627 the above-mentioned features of claim 55 are discussed. Otherwise, it is respectfully requested that the rejection of **claim 55** over Fiter be withdrawn.

III. Rejections - 35 U.S.C. § 103

Claims 19-50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohlsson (U.S. Patent Application Publication No. 2002/0068571) in view of Fiter.

Independent **claims 19, 21, 26, 28, 33, and 35** recite features similar to those recited in claim 51. Ohlsson does not cure any deficiency of Fiter. Accordingly, **claims 19, 21, 26, 28, 33, and 35** are patentable over Ohlsson and Fiter at least for the reasons similar to those discussed above regarding claim 51.

Dependent **claims 23-25, 30-32, 34, 36, 38, 41, 43, 45, 48, and 50** are patentable at least by virtue of their dependencies.

Independent **claims 20, 27, and 29** recite features similar to those recited in claim 53. Ohlsson does not cure any deficiency of Fiter. Accordingly, **claims 20, 27, and 29** are patentable over Ohlsson and Fiter at least for the reasons similar to those discussed above regarding claim 53.

Dependent **claims 37, 40, 44, 46, 47, and 49** are patentable at least by virtue of their dependencies.

Claim 22 recites features similar to those recited in claim 55. Ohlsson does not cure any deficiency of Fiter. Accordingly, **claim 22** is patentable over Ohlsson and Fiter at least for the reasons similar to those discussed above regarding claim 55.

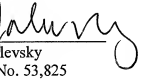
Dependent **claims 39 and 42** are patentable at least by virtue of their dependencies.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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